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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/662,990	09/15/2000	Sekaran Nanja	20706-000120US	3504

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EXAMINER

DU, THUAN N

ART UNIT PAPER NUMBER

2116

DATE MAILED: 12/24/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/662,990

Applicant(s)

NANJA, SEKARAN

Examiner

Thuan N. Du

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

1. This Office Action is in response to Amendment filed on October 14, 2003 (Paper No. 6).
2. Claims 1-15 are presented for examination.
3. Applicant's arguments with respect to claims 1-15 have been considered but are moot in view of the new ground(s) of rejection.
4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Specification

5. The substitute specification filed October 14, 2003 has been received.

Drawings

6. The drawings were received on October 14, 2003. These drawings are accepted by the Examiner.

Double Patenting

7. Claims 1-6 provisionally rejected under the judicially created doctrine of double patenting over claims 1 and 5-7 of copending Application No. 09/663,252. This is a provisional double patenting rejection since the conflicting claims have not yet been patented.

The subject matter claimed in the instant application is fully disclosed in the referenced copending application and would be covered by any patent granted on that copending application

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since the referenced copending application and the instant application are claiming common subject matter, as follows: both applications claim a method for allocating resources comprising the steps of displaying a list of resources, wherein the resources comprise at least one of hardware and software; selecting the resources and configuring the selected resources. The subject application does not recite the processing resources comprises a hardware processor as set forth in the copending application. It would have been obvious to one of ordinary skill in the art to recognize that processing resources are one of a plurality of types of resources.

Furthermore, there is no apparent reason why applicant would be prevented from presenting claims corresponding to those of the instant application in the other copending application. See *In re Schneller*, 397 F.2d 350, 158 USPQ 210 (CCPA 1968). See also MPEP § 804.

Claim Rejections - 35 USC § 103

8. Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vrhel, Jr. et al. [Vrhel, Jr.] (U.S. Patent No. 6,543,047).

9. Regarding claim 1, Vrhel, Jr. teaches a method for creating a computing environment substantially as claimed comprising the steps of:

providing a list of resources to a user (menu), wherein the resources comprises at least one of hardware device, operating system software and application software [col. 2, lines 23-24]; and

configuring the selected resource [col. 2, line 32 et seq.].

Vrhel, Jr. does not explicitly teach the menu is displayed on a display device and the user uses an input device to indicate the selected resource. One of ordinary skill in the art would have recognized that, when ordering on-line, the menu should be displayed on a display device at the user site. Furthermore, for selecting a resource in the menu, the user obviously uses an input device (mouse, keyboard) to indicate the selected resource.

10. Regarding claims 2-6, these claims are directed to method steps for creating a computing environment of claim 1. As stated above, Vrhel, Jr. teaches the invention substantially as set forth in claim 1. At the time of the invention, one of ordinary skill in the art would have readily recognized that Vrhel, Jr. may obviously also teach the method steps of claim 1 as set forth in claims 2-6. As such, claims 2-6 are rejected under the same rationale with respect to claim 1.

11. Regarding claims 7-15, Vrhel, Jr. teaches the claimed method steps. Therefore, Vrhel, Jr. teaches the apparatus to implement the claimed method steps.

Conclusion

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuan N. Du whose telephone number is (703) 308-6292 or via e-mail, **thuan.du@uspto.gov**. The examiner can normally be reached on Monday-Friday: 9:00 AM - 5:30 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas C. Lee can be reached on (703) 305-9717.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

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Any response to this action should be mailed to:

U.S. Patent and Trademark Office
P.O. Box 2327
Arlington, VA 22202.

The fax number for the organization is (703) 872-9306.

Hand-delivered responses should be brought to:

Crystal Park II
2121 Crystal Drive
Arlington, VA 22202
Fourth Floor (Receptionist).

A handwritten signature in black ink, appearing to read 'Thuan N. Du', with a stylized flourish at the end.

Thuan N. Du
December 15, 2003